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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/956,002	09/20/2001	Steven A. Wright	BS00-215	9864
28970	7590	11/10/2005		
PILLSBURY WINTHROP SHAW PITTMAN LLP 1650 TYSONS BOULEVARD MCLEAN, VA 22102			EXAMINER PARK, JUNG H	
			ART UNIT 2661	PAPER NUMBER

DATE MAILED: 11/10/2005


Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/956,002

Applicant(s)

WRIGHT, STEVEN A. 

Examiner

Jung Park

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 August 2005.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 12-16, 18-22, 31-36, 41, and 42 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 12-16, 18-22, 31-36, 41, and 42 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claims 31-33, 35, 36, 41 and 42 are rejected under 35 U.S.C. 102(e) as being anticipated by Mauger (U.S. 6,778,494).

Regarding claims 31 and 41, Mauger discloses the methods of claims 31 and 41.

Mauger discloses, "the method comprising: operating at least a portion of the label switching network (*MPLS network fig.2*) based at least in part on a first policy (*col. 5, lines 10-11 LSP setup*).

- receiving a control input (*col. 5, lines 29-30*);
- selecting a second policy (*col. 5, lines 53-65 QoS policy for a new traffic*) based at least in part on the control input, the second policy being different from the first policy; and
- operating at least the portion of the label switch in network (*fig. 2 MPLS tunnel is used*) based at least in part on the second policy."

Regarding claim 32, Mauger discloses, "the first policy includes operating at least a portion of the label switching network as one or more voice trunks (22 & 22a fig.2 and col. 5, lines 16-19) based at least in part on a first voice traffic policy (*col. 5, lines 48-52*)."

Regarding claims 33 and 34, Mauger discloses, "receiving a control input includes receiving a voice traffic condition (col. 5, lines 28-33 where call request is one of voice traffic condition)."

Regarding claim 35, Mauger discloses, "where in receiving the control input includes receiving network status information (col. 5, lines 29-34) from a network device (call server 11 fig. 2) of the label switching network."

Regarding claim 36, Mauger discloses, "the first policy includes operating at least a portion of the label switching network as one or more virtual private networks (*solid line* in fig.5) based at least in part on a first virtual network policy (col. 7, lines 3-7 policy for VPN setup)."

Regarding claim 42, Mauger disclose, "the first policy is selected from the group consisting of a voice traffic management policy (col. 5, lines 28-33 policy on call server), a virtual private network management policy (col. 7, lines 4-6 policy for virtual private tunnel setup), and a quality of service management policy (col. 9, lines 54-56 policy for QoS guarantee)."

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 12-16 and 18-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kung et al. (U.S. 6,633,635, "Kung") in view of Mauger.

Regarding claim 12, Kung discloses, "a network system comprising:

- a central office (*PSTN 160 fig.2 where the central office is not shown, but described in col. 1, lines 40-41*), the central office including a trunk gateway (*230 & 232 fig.2*);
- network administration system (*155, 190 & 200 fig.1*), the network administration system including a plurality of policies (*Provision of services 190 fig.1; policy for managing voice traffic described in col. 5, lines 46-48*), each policy of at least a subset of the plurality of policies to control at least in part operation of the label switching network; and
- a call control complex (*call manager 218 fig.2; col. 9, lines 48-49*), the call control complex (*200 fig.1*) coupled to the network administration system (*155, 190 & 200 fig.1*) and the label switching network."

Kung fails to teach on MPLS network although disclosing IP network (*120 fig.1*).

However, Mauger discloses the label switching network (*MPLS network 20 fig.2*) being coupled to the trunk gateway of the central office (*22 & 22a fig.2*).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to apply the MPLS network taught by Mauger into Kung's IP network system for the purpose of including simple routing information in the packets of an IP network. A motivation of including the simple routing information is to ensure that all packets in a particular flow take the same route over a backbone. That is, MPLS provide the quality of service (QoS) required to support realtime voice and video as well as service level agreements (SLAs) that guarantee bandwidth.

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Regarding claim 13, Kung discloses, "the gateway is one of a line gateway (300 in figure 4; col. 23, lines 62-63), trunk gateway (232 fig.4 *where the VoIP trunk gateway is an interface that facilitates the use of plain old telephone service (POTS) equipment with a VoIP network*), and a service gateway (238 fig.4; col. 10, line 46)."

Regarding claim 14, Kung and Mauger fail to explicitly disclose the central office including class five central office equipment. The 5ESS, where the ESS designation is originated with AT&T, is a central office switch from Lucent used to route telephone calls in a telephone company office.

Therefore, at the time of the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to employ the 5ESS equipment widely used in the circuit switched network.

Regarding claim 15, Kung discloses, "the network administration system includes one or more of traffic management information (col. 5, lines 46-48 traffic transfer information) and device provisioning information (Provision of services 190 fig.1)."

Regarding claim 16, Kung discloses the plurality of policies including a plurality of traffic management policies (col. 5, lines 42-45 policies for traffic management capabilities)."

Regarding claim 18, Kung discloses that the call control complex (200 fig.1) is to send voice service traffic data (voice traffic from 160 & 170 fig.1) to the network administration system (155 & 190 fig.1).

Regarding claim 19, Kung fails to teach if the network administration system is to send voice service label switched path (LSP) provisioning policies to the label switching network.

However, Mauger teaches the provisioning policies for voice service (col. 5, lines 16-19). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to apply the voice traffic provision policies in MPLS network taught by Mauger to the administration system connected to IP network disclosed by Kung since one would be motivated to include the LSP policies in order to provide a guaranteed quality of voice service through the MPLS LSP over IP network.

Regarding claim 20, Kung fails to teach if the network administration system is to send VPN provisioning policies to the label switching network.

However, Mauger teaches the VPN provisioning policies for voice service (col. 7, lines 3-7) in MPLS network. Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to apply the VPN provisioning policies taught by Mauger to the administration system connected to IP network disclosed by Kung since one would be motivated to include the VPN provisioning policies in order to provide a guaranteed quality of voice service through the virtual private network over IP network.

Regarding claim 21, Kung discloses the system further comprising an SS7/AIN network (170 fig.2) coupled to the call control complex (218 fig.2).

Regarding claim 22, Kung and Mauger are silent on that the SS7/AIN network and the MPLS network are part of a regional telecommunication company network.

However, those networks are deemed to be inherent to the network system disclosed by Kung and Mauger. SS7 (Signaling System 7) is a protocol used in the public switched telephone system (advanced intelligent network (AIN)) for setting up calls and providing services. SS7 is a separate signaling network that is used in Class 4 and Class 5 voice switches. Therefore, the Kung-Mauger system would be in operative if the SS7/AIN network and MPLS network are not part of a regional telecommunication company network.

#### ***Response to Amendment***

5. The indicated allowability of claims 17-22, 31-36, and 41-42 are withdrawn in view of the newly discovered reference(s) to Kung and Mauger. See the notice of references cited.

#### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jung Park whose telephone number is 571-272-8565. The examiner can normally be reached on Mon-Fri during 7:10-4:40.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on 571-272-3126. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

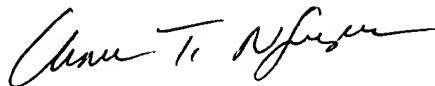
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JP

Jung Park  
Patent Examiner  
Art Unit 2661  
November 8, 2005



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